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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,763	12/19/2000	Uwe Hansmann	DE919990078	5393

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EXAMINER

KANG, INSUN

ART UNIT	PAPER NUMBER
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2124

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 09/740,763	Applicant(s) HANSMANN ET AL.	
Examiner Insun Kang	Art Unit 2124	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 November 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☒ Applicant's reply has overcome the following rejection(s): U.S.C 103 on claim 16.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-16.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because:
The applicant's argument that the cited reference '886 was commonly owned has been acknowledged and therefore, the rejection on claim 16 under 35 U.S.C. 103 has been withdrawn.

Regarding the rejection under 35 U.S.C. 112, the applicant argues that the only "difference between the alleged missing step and the recitation of claim 16 quoted above is the addition of "...with a limited Java Virtual Machine..." in the alleged missing step. However, that aspect is already present by virtue of the fact that the accessing aspect recites "by said apparatus," which has already been designated in the providing aspect as having a limited Java Virtual Machine. Thus, there appears to be no practical difference (page 2)."
In response, the claim 1 simply recites that providing a set of software components ...to be executed by an apparatus... assigning a different ...identifier to each component...storing each ...identifier in the ...component. Claim 16 recites accessing, by said apparatus (with a limited JVM), a full JVM. The claim does not recite the essential steps or elements describing how the assigning and storing a identifier is related to accessing a full Java Virtual Machine, how the assigning and storing make accessing a full JVM possible, and how such accessing can be achieved. Without such steps/elements, it is unclear how the claim 16 further limits claim 1. One skilled in the art would not be able to nearly connect these two limitations, as the full JVM is not supported on such an apparatus with limited memory resources. However, claim 16 claims accessing, by the apparatus, a full JVM is performed. The applicant further recites that "it is not essential to a patentable combination that there be interdependency between the elements of the claimed device or that all the elements operate concurrently toward the designed result (page 2)." That being said, the examiner is even less clear how accessing a full JVM by an apparatus with a limited JVM is possible as the claim 16 does not further describe how such accessing can be achieved. Therefore, it is unclear as to how such accessing can be achieved in claim 16 and how it further limits claim 1. Accordingly, the rejection of claim 1 is considered proper and maintained

The applicant argues that a "definition already exists for "component" in the present application at page 3, lines 18-20: Components are self-contained, reusable software units that can be visually composed into applets or applications using visual application builder tools ...One example given in the present application of such a component is a JavaBean (page 3)...Applicants submit there is no evidence that anything in Wilkinson et al. conforms to the definition (page 4)." In response to applicant's argument that the reference fails to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e Components are self-contained, reusable software units that can be visually composed into applets or applications using visual application builder tools ...One example given in the present application of such a component is a JavaBean) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). As such, the claims are read with the broadest reasonable interpretation in mind (Note MPEP 2111).

The applicant argues that Wilkinson fails to "disclose storing each assigned numeric identifier in the corresponding component. In contrast, the strings in the Java class file constant pool are replaced with the integers/ids...The integers/ids are not stored in the elements represented by the strings (page 4)." In response, the claim 1 is extremely broad reciting assigning a ...identifier to each component...and storing each...identifier in the corresponding component." Wilkinson clearly recites, "Each ID uniquely identifies a particular object, class, field or method in the application (col. 9 lines 30-41)." Therefore, the card class file converter...replaces the strings in the Java class file constant pool with its corresponding unique ID (col. 9 lines 32-41)." Further, the examiner points out that assigning and storing an identifier is a programming language feature. In programming languages, it is well known that variables such as predefined types or objects (user defined types) are implemented as memory locations. The applicant would be aware of the fact that the compiler assigns a memory location to each variable in the program. The value of the variable, in a binary form consisting of 0s and 1s, is stored in the memory location assigned to that variable. The particular object, class, etc in the application is identified with a unique ID. Therefore, as the variable must be identified, before being used, the compiler reserves some storage for that particular object or class and gives it a name, the unique ID. Wilkinson clearly recites, "Each ID uniquely identifies a particular object, class, field or method in the application (col. 9 lines 30-41)." Therefore, the card class file converter...replaces the strings in the Java class file constant pool with its corresponding unique ID (col. 9 lines 32-41)." Therefore, the applicant's argument that Wilkinson does not store the numeric IDs is not persuasive.

Per claims 14 and 15:

The applicant argues that:

"the modifying referred to therein is actually a conversion of unsupported byte codes to functionally equivalent, but supported byte codes ...Since byte codes are compiled Java source code, and the modifying in Wilkinson et al. is a conversion of the byte codes into supported byte codes, Applicants submit that updating a software component (defined in the present application) is simply not the same. Moreover, there is without questions no disclosure of adding any software components as claimed (page 4)."

In response, it is noted that the claim recites a set of software components as being capable of performing the functionality without actual performance. It only recites the capabilities of the set of software components. Therefore, Wilkinson discloses the limitations in the claims.

In view of the broadest reasonable interpretation above, the applicant's arguments filed 11/19/2004, have been fully considered but they are not persuasive. Accordingly, the rejections are considered proper and maintained.

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